

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

IN RE:

McCLAIN FEED YARD, INC.,
McCLAIN FARMS, INC., and
7M CATTLE FEEDERS, INC.,

Debtors.

Chapter 7

CASE NO.: 23-20084-rlj
Jointly Administered

RABO AGRIFINANCE LLC,

Plaintiff,

vs.

ACEY LIVESTOCK, LLC, *et al.*,

Defendants

ADV. PROC. NO: 23-02005-rlj

Honorable Robert L. Jones

**[PROPOSED] ORDER GRANTING DEFENDANTS, ACEY LIVESTOCK, LLC;
MICHAEL ACEY; BARRETT'S LIVESTOCK, INC.; AND DON RALPH BARRETT,
PARTIAL SUMMARY JUDGMENT ON FIRST PHASE ISSUES**

This matter is before the Court on the *Motion for Partial Summary Judgment* (the “**Motion**”) filed on December 17, 2024, by the Defendants, Acey Livestock, LLC; Michael Acey; Barrett’s

Livestock, Inc.; and Don Ralph Barrett, which Motion seeks summary judgment as against the Plaintiff, Rabo AgriFinance LLC (“**RAF**”) on the “First Phase Issues” identified in this Court’s Alternative Scheduling Order entered July 3, 2024 (DE #178].

The Court, having reviewed the Motion and all papers, pleadings, and exhibits filed in support of and in opposition thereto, and after having duly considered the arguments and representations of counsel at the hearing on the Motion, has determined, based upon the undisputed material facts related to the Motion, that the Defendants’ Motion is well-taken, and that the Defendants, Acey Livestock, LLC; Michael Acey; Barrett’s Livestock, Inc.; and Don Ralph Barrett, are entitled to the relief requested in the Motion as a matter of law.

Accordingly, based upon the foregoing and for good cause shown, **IT IS HEREBY ORDERED** as follows:

1. The Motion is **GRANTED**.
2. The claimed security interest of RAF in livestock sales proceeds does not extend or attach to the cattle sales proceeds in the custody and control of the Trustee;
3. The livestock sales proceeds currently in the custody and control of the Trustee are subject to the Dealer Trust Statute;
4. The livestock sales proceeds in the custody and control of the Trustee are not assets of the bankruptcy estate of any of the subject debtors.

***** END OF ORDER *****

Tendered by:

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